

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TERRY JAMES

Plaintiff

v.

8-12CV-457-L

DALLAS POLICE DEPARTMENT
DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE
et al {the two arresting officers}

Defendants

SERVE ATTORNEY GENERAL
Greg Abbott
P.O.Box 12548-Capitol Station
Austin, Texas 78711-2548

**CIVIL RIGHTS SUIT FOR FALSE ARREST, MALICIOUS PROSECUTION AND INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS**

COMES NOW, Plaintiff pursuant to 42 United States Code Section 1983, Fourth Amendment to the United States Constitution, Eighth Amendment to the United States Constitution and the Fourteenth Amendment to The United States Constitution suing the above Defendants for false arrest, malicious prosecution and intentional infliction of emotional distress, and in support will show;

1. December 19, 2010 at approximately 10:15 a.m. James called 911 to report that his mistress was refusing to leave his home and verbally threatening him, stating "I'm not going nowhere, and if you put your hands on me I'm calling the police and say you beat me down!" (The 911 operator heard the above).
2. December 19, 2010 at approximately 10:55 a.m. two uniformed Dallas Police Officers arrived. Both Caucasians, one approximately 27 years of age, the other approximately 60.
3. When the officers approached James informed them to come in. James was seated on his recliner. James' mistress was seated on his couch. The older officer called James' mistress outside, while the younger officer questioned James inside.
4. This officer asked James "what happened?" James replied, "Nothing really-I just want this woman out of my house. I asked her to leave and she refused, leaving me no option but to call you'll."
5. At this moment the older officer came inside. Asked James for identification. Soon as James handed this

5. -officer his driver license this officer stated, "Put your hands behind your back, you're under arrest."
6. James, in complete bewilderment exclaimed, "For what! I haven't done anything! This is my house and I'm the one who called you!!!"
7. Without answering James questions this older officer instructed his partner to take me the car.
8. James and the young officer sat in the patrol car approximately 45 minutes before the older officer came back out. During this time James asked the officer why he was abusing his powers and arresting him when he had did everything legally required by sitting down and waiting for police. This young Officer admitted that he saw nothing worthy of arrest. If it was up to him he would make the mistress leave, but asserted it 'wasn't up to him.'
9. James then pled with this officer to not leave the mistress in his home. Again this young officer responded that it wasn't up to him.
10. Momentarily the older officer came out of James' home and entered the patrol car. James asked this officer why he was being arrested. This officer replied "because she says you hit her." James replied, "that's a lie! I swear to you it is." This officer replied, "That's for the judge to decide." James replied, astonished, "Really! You come to my home to remove an unwanted guest and you're taking me to jail because she says, 'I hit her?!'"
11. James assured this officer that while he was no saint, he thrives to know and obey the law. This older officer was deliberately indifferent and replied, "you never stated she hit you, she accuses you of hitting her so we have to take you to jail."
12. Dejected James pled with the officers to put themselves in his shoes, look at the clear evidence, remember their duty to protect and serve. James pled that even if they took him to jail to please not leave the mistress inside.
13. This older officer finished some type of report, got out of the car, went back into James' home and gave the mistress the paperwork, and came back to the car.
14. James then asked the officer his charge. Family violence assault-a felony, the officer responded.
15. James reiterated that he strives to be above reproach, knows his rights and believed both officers were in violation.

16. James again pled with both officers not to leave the mistress in his home. Telling the officers that he had recently bought Christmas gift, party supplies, etcetera. James told the officers he had a wife and two dependents depending on him and it would be a travesty of justice to take him to jail.

17. The older officer responded, "If you have a wife what is she doing in there?" James replied, "I got horny." The older officer replied, "That's why you're going to jail."

18. James was subsequently jailed and indicted for family violence assault, with a \$5,000.00 bond.

19. December 21, 2010 James' wife got the mistress out the house, but not before the mistress stole all his Christmas gift, food and party supplies.

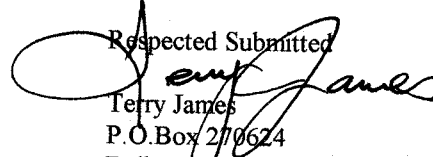
20. James was forced to sell his 1999 Ford Explorer for \$500.00 to make bail.

21. January 04, 2011 James bailed out of jail.

22. December 11, 2011 the family violence assault charge was dismissed.

PRAYER FOR RELIEF:

Plaintiff prays for compensatory damages, actual damages, punitive damages, court costs, attorney fees, damages for emotional distress, a trial by jury and any other relief he may be entitled to.

Respected Submitted

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